

MADISON COUNTY PLANNING

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Streamside Protection Steering Committee Meeting Summary

Tuesday March 10, 2009

First Madison Valley Bank, Basement Meeting Room, Ennis, MT

Attendance:

Planning Staff: Jim Jarvis (staff planner), Karen Filipovich (facilitator)

Steering Committee: Richard Lessner, Donna Jones, Gayle Schabarker, Pat Clancy, Chris Murphy, Amy Robinson, John East, Kelly Galloup, Jeff Laszlo (absent).

Public (8):

Duane Thexton

Greg Morgan

Pat Goggins

Mark Parlett

R.E. Losee

Larry Love

Eileen Walters

Dok Arvanites

1. Welcome, Overview, and Introduction

The meeting was called to order at 6:30 p.m. by Karen Filipovich. Karen presented an overview of the agenda. Introductions were exchanged amongst committee members and the public.

2. Receive February 24, 2009 meeting summary and correspondence submitted since the last meeting

Jim Jarvis directed the committee's attention to a summary of the last meeting. Other than a handout submitted by Greg Morgan at the meeting, there wasn't any written public comment received since the last meeting. Jim Jarvis reviewed the main points from the meeting summary. Pat Clancy asked that the summary be corrected to reflect he did not support a 50 foot setback as stated in the fifth paragraph of page 2 of the February 24, 2009 meeting summary. Jim agreed to update the summary accordingly. Donna Jones asked whether the summary captured her comments about an educational pamphlet. Jim pointed out a statement to that effect on page two, third paragraph. Karen Filipovich suggested that the idea of an education pamphlet be included in the committee's general recommendations to accompany the draft ordinance. Jim then described the various handouts and supplemental materials included in the committee packets.

3. Performance-based Streamside Protection Ordinance

Karen Filipovich directed the committee's attention to page 4 of the mark-up version of the draft ordinance (dated 2/24/09) and the Setback Options handout included in the packets. Section 6.B., dealing with the size of the fixed width setbacks was discussed. Karen asked what additional information the committee needed in order to come to consensus on an appropriate fixed- width setback.

Donna Jones expressed concern that the process was being rushed as the committee hadn't agreed on certain crucial definitions relating to riparian habitat and stream types. Donna also asked that the proposed list of streams impacted by this ordinance be published in the paper to

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enhance public awareness of how the proposed ordinance may impact them as streamside property owners. Jim agreed to contact the local papers about publishing the list of streams and a project update article.

Richard Lessner expressed his views that after a year of discussion the process should not be considered rushed and that the committee should compromise in order to arrive at mutually acceptable setback size. He suggested a fixed width setback of 100 feet on Madison River and 50 feet on the tributaries.

Amy Robinson said her concerns on the size of the fixed width setback revolved around the County's ability to effectively implement the secondary performance-based (PB) setback. If that program was not effective, or achievable, than a larger fixed width setback was needed. Recent updates to Exhibit C, criteria used to guide PB setback determinations, helped to alleviate some of her concerns about compromising around a smaller fixed width setback, i.e. 75 feet. She wanted more time to review the newly updated materials.

Richard asked the committee if they would support a fixed-width setback of 75 feet.

Donna repeated her concern that the Jefferson River is a different river with different issues, i.e. flooding, etc, than the Madison River.

Kelly Galloup agreed with Richard that a compromised setback number should be achievable and that as a riverfront property owner he did not think that a setback in the 50-70 foot range was inappropriate.

Concern was expressed by several committee members whether this lengthy discussion of the appropriate setback size may be moot, since the final decision would be made by the Planning Board and County Commissioners. The committee is only an advisory board making recommendations regarding the ordinance.

Richard stated the Planning Board deserved the best recommendation the committee could come up. Chris Murphy suggested that the Planning Board be invited to the next committee meeting, so that they can better appreciate the level of effort the committee is putting into this discussion.

Chris Murphy and John East both indicated that based on the scientific information that has been presented; a 50 foot fixed-width setback with a secondary performance-based setback was adequate to protect water quality and riparian habitat. The county should start there and see what happens.

Committee members asked for more information about how the secondary performance based setback would be determined. Jim gave an example of how a setback permit application would be evaluated for a simple versus a complicated building site. The complicated site would be more expensive to develop, require more professional input regarding impact mitigation and Best Management Practices, and undergo a lengthier permit review process, than the simple, low-impact building site.

Karen asked the committee based on the science that's been presented and their local knowledge of the area; whether there was a minimum fixed-width setback that they thought would satisfy the intent of the ordinance in most cases.

Richard responded that a small setback, for example 50-75 feet, would not be adequate in some cases, and then the added protection offered by the secondary performance-based setback would become very important.

The committee generally agreed that the secondary performance setback approach based on clear and reasonable criteria was needed to protect water quality and riparian habitat.

In the name of compromise, Chris Murphy suggested Setback Option 3 from the handout – 75 foot fixed width set back on the Madison and Jefferson Rivers and 50 foot on all other streams within the planning area, with provision for a secondary variable width setback.

Pat Clancy partially supported Chris' proposal for discussion, but requested that a larger setback of 100 feet be applied to the tributaries to reflect their importance in maintaining water quality and their potential for channel migration.

Kelly Galloup generally agreed with Pat's proposal, but expressed concern about how to allow for building sites on the typically smaller and/or steeper lots associated with side canyons, etc.

The committee was polled for their individual opinions on the various setback options. The committee still lacked consensus on the setback size question, but the majority indicated support for Option 3 - 75 foot fixed width set back on the Madison and Jefferson Rivers and 50 foot on all other streams within the planning area, with provision for a secondary variable width setback. Jim suggested the committee review Exhibit C and the Definitions at their next meeting and then take another poll.

Jim also mentioned that three professional resource people (Marni Thompson, NRCS, Ron Spoon, FWP, and Karin Boyd, Hydrology consultant) have expressed willingness to attend a committee meeting and share their on-the-ground experiences with development impacts along rivers and streams in southwestern Montana. The committee agreed it would be valuable to have these folks in the audience to comment as the committee reviewed the Definitions and Exhibit C. The committee asked that they share their views on these topics with the committee in advance of the next meeting, if possible. Jim agreed to ask.

4. Next Meeting Agenda

Karen confirmed the schedule and agenda for the next meeting. The next committee meeting is scheduled for Tuesday April 14, 2009 at 6:30 PM in Ennis. The committee agreed to review the relevant terms in Section 3: Definitions and Exhibit C prior to re-visiting Section 6 - General Standards, specifically the size of the fixed-width buffer zone. The next sections for review are Section 8 - Special Conditions and Section 11 - Exceptions of the ordinance. An updated version of Exhibit C was provided to the committee for review. The committee asked for a summary of various riparian terms and definitions used by regulatory agencies.

5. Public Comment

- Mark Parlett – A property owner on the Jefferson River expressed his interest in joining the committee to represent the northern portion of the planning area.

- 6. New Member:** The committee unanimously supported Mark Parlett's request to become a member as a representative from the northern planning area. Committee members asked that he review the record of the committee's deliberation over the past year. Mark agreed to do his homework.

Meeting adjourned: 8:56 pm